

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
MECHANICAL BOARD**

1511 Pontiac Avenue, Bldg 70, 2nd Floor Conference Room

Cranston, RI 02920

Wednesday, May 4, 2016

9:00am

In attendance: Dennis Brennan

Timothy Byrne

Stanley Davies

Robert Eva

Michael Januario

Quinlan T. Regan

Anthony Vessella

Charles Wright

Board Members Fred Foeri, Steven Gray and Jack King were not in attendance.

Also in attendance were Nicholas Ranone, RIDLT Chief Mechanical Investigator and Valentino Lombardi, Senior DLT Legal Counsel.

1.) Call to Order: Chair, Timothy Byrne called the meeting to order at 9:18am.

2.) Minutes of the April 6, 2016 Meeting: Charles Wright made a motion to accept the minutes of April 6, 2016 meeting as presented; seconded by Stanley Davies and passed unanimously by the Board.

3.) Conflict of Interest – Legal Counsel will address the Board concerning compliance with conflict of interest requirements: Valentino Lombardi, Senior Legal Counsel, reminds board members that they are subject to the RI conflict of interest laws and of their responsibility to disclose conflicts of interest, financial or otherwise, and should recuse from hearing and voting on the matter. Legal Counsel is available for any questions.

4.) Violation Appeal Hearings:

Board Member Charles Wright made a motion to change the order of the violations. Michael Januario seconded the motion and the vote by the Board was unanimous.

Lamoia, Robert dba Lamoia Construction—Violation 5431

Robert Lamoia and Attorney Gregory Piccirillo appeared.

LOCATION OF VIOLATION: John & Pam Stamp (residence), 72 Tomahawk Circle, No. Kingstown, RI 02852

VIOLATION: On 2-2-16, I, Nicholas Ranone, Chief Mechanical Investigator, received a complaint from Mr. John Hoyle, Senior State Building Code Official with the RI Dept of Administration (DOA), against Mr. Robert Lamoia, President of Lamoia Construction, Providence, RI.

On 2-4-16, I met with Mr. Hoyle and Mr. Richard Case, Principal State Building Code Official at the DOA to discuss the work that Mr. Lamoia contracted for and engaged in, to obtain a copy of the contract that was written by Mr. Lamoia stating "all finish and prep work for the installation of heat". To obtain a written witness statement that was given by Mr. Stamp stating that Mr. Lamoia did, in fact, install pex tubing for the radiant heat beneath the floor of the children's bathroom on second floor. Also to obtain a written statement from Mr. Gary Tedeschi, Building Official for the Town of No. Kingstown, RI, stating that Mr. Lamoia did engage in the heating work at the home of Mr. Stamp. Finally, I received a copy of the audio CD from Mr. Case that was taken at Mr. Lamoia's Administrative hearing at the DOA. Mr. Lamoia clearly admits to engaging in the installation of the pex

radiant heating tubing in the bathroom at Mr. Stamp's home in No. Kingstown.

Mr. Lamoia does not hold a RI pipefitters license that would allow him to contract for and engage in any type of heating work in the State of RI. This is two (2) violations of RIGL 28-27-5-Practices for which a master or contractor license required. (contract for and engage in). Also, no mechanical permit was issued from the Town of No. Kingstown for this heating installation. This is one (1) violation of RIGL 28-27-20 State and municipal inspections and installation permits.

Three (3) violations at \$1500.00 each. Total \$4500.00.

Nicholas Ranone reads the violation. Ten pages of evidence are entered into the record as Exhibit A for Violations 5431. Nicholas Ranone is questioned by the Board and testifies. Attorney Piccirillo has a discussion with the Board and is questioned and testifies. Mr. Lamoia is questioned by his attorney and the Board and also testifies.

Regarding Violation 5431, a motion was made by Charles Wright that three (3) violations did occur. Michael Januario seconded the motion and the Board unanimously agreed.

Regarding the fine for Violation 5431, a motion was made by Charles Wright to uphold the fine for \$4,500.00. There was a discussion regarding the fine.

Regarding the fine for Violation 5431, Charles Wright made a motion to eliminate the two (2) violations for RIGL 28-27-5 and amend the fine to \$1,500 and suspend the fine for one (1) year pending no further violation(s). Dennis Brennan seconded that motion and the Board unanimously agreed.

Board Member Charles Wright made a motion to change the order of violations once again. Stanley Davies seconded this motion.

Board Member Charles Wright made a motion to combine Violations 5445 and 5446. Stanley Davies seconded that motion and the vote by the Board was unanimous.

Christopher Hill, Wakefield Heating Service LLC—Violation 5445

Christopher Hill, Carlton Morse and Attorney Robert Craven appeared.

LOCATION OF VIOLATION: Constance Douglas (residence), 5 Muratore Lane, Narragansett, RI. 02882

VIOLATION: On 3-24-16, I, Nicholas Ranone, Chief Mechanical Investigator, received a complaint from Ms. Constance Douglas

against Mr. Christopher Hill, owner of Wakefield Heating Service, about the installation of one (1) Crown gas fired hot water boiler that Mr. Hill installed for her at the above mentioned location.

On 3-25-16, I visited Ms. Douglas at her home to view the work that was done, obtain a copy of the proposal and the invoice given to her by Mr. Hill and also a written witness statement by Ms. Douglas stating that Mr. Hill did, in fact, contract for and engage in this boiler replacement.

On 3-31-16, I spoke with Mr. Hill (RI Pipefitter Master 2 & Refrigeration Master 2 license # 6376), and he admitted that Mr. Carlton B. Morse, his employee, did engage in this boiler installation with him.

Mr. Morse does hold a valid RI oil burner service license which only allows the holder to service oil burners. It does not allow the holder to install boilers.

This is one (1) violation of RIGL 28-27-6 Corporations and firms engaged in business. (paragraph 2, section b, unlicensed employee.)

On 3-28-16, after checking with the Town of Narragansett, I found that no mechanical permit was issued for this boiler installation. Only after speaking with Mr. Hill on 3-31-16 and asking him to take out a local permit did he conform.

This is one (1) violation of RIGL 28-27-20 State and municipal inspections and installation permits.

Two (2) violations at \$1500.00 each. Total \$3000.00.

Morse, Carlton—Violation 5446

LOCATION OF VIOLATION:

Constance Douglas (residence), 5 Muratore Lane, Narragansett, RI. 02882

VIOLATION: On 3-24-16, I, Nicholas Ranone, Chief Mechanical Investigator, received a complaint from Ms. Constance Douglas against Mr. Christopher Hill, owner of Wakefield Heating Service, about the installation of one (1) Crown gas fired hot water boiler that Mr. Hill installed for her at the above mentioned location.

On 3-31-16, I spoke with Mr. Hill (RI Pipefitter Master 2 & Refrigeration Master 2 license # 6376), and he admitted that Mr. Carlton B. Morse, his employee, did engage in this boiler installation with him.

Mr. Morse does hold a valid RI oil burner service license which only allows the holder to service oil burners. It does not allow the holder to install boilers.

This is one (1) violation of RIGL 28-27-28 Practices for which a license is required.

Nicholas Ranone reads the violations. Ten pages of evidence are entered into the record as Exhibit A for Violation 5445. Nicholas Ranone is questioned by the Board and testifies. Attorney Craven has a discussion with the Board and is questioned and testifies. Mr. Hill and Mr. Morse is questioned by their attorney and the Board and

they both testify.

Regarding Violation 5445, a motion was made by Quinlan T. Regan that violations did occur. Charles Wright seconded the motion and the Board unanimously agreed.

Regarding the fine for Violation 5445, a motion was made by Quinlan T. Regan to suspend the fine of \$3,000.00 for one (1) year pending no further violation(s) occur within that year. Robert Eva seconded that motion and the Board unanimously agreed.

Regarding Violation 5446, a motion was made by Stanley Davies that a violation did occur. Charles Wright seconded the motion and the Board unanimously agreed.

Regarding the fine for Violation 5446, a motion was made by Robert Eva to suspend the fine of \$1,500.00 for (1) year pending no further violation(s) occur within that year. Anthony Vessella seconded that motion and the Board unanimously agreed.

Borzell, Bryan J., AES Chimney—Violation 5442

Bryan Borzell and Attorney Peter Hopkins were in attendance.

LOCATION OF VIOLATION: Charles W. Arneson (residence), 22 Manning Dr, Barrington, RI 02806

VIOLATION: On 1-14-16, I, Nicholas Ranone, Chief Mechanical Investigator, received a complaint from Mr. Charles Arneson against AES Chimney, No. Smithfield, RI, for the installation of one (1) stainless steel chimney liner they installed at his home at the above mentioned location.

On 1-15-16, I visited Mr. Arneson's home to view the work that was done and obtain a copy of his cancelled check which was written to and deposited by "Certified Associates". I also received a copy of the invoice that Mr. Arneson was given from two workers of AES Chimney stating the work that was done and the total amount due. I also obtained a written witness statement from Mr. Arneson stating that he did, in fact, hire AES Chimney to install one (1) stainless steel chimney liner at his home.

After checking with the local building official, I found that no permit was issued for this installation. Mr. Borzella does have an open prior Violation# 5073. Therefore, all fines will be assessed at \$2000.00.

This is one (1) violation of RIGL 28-27-20 State and municipal inspections and installation permits.

Nicholas Ranone reads the violations. Nine pages of evidence are entered into the record as Exhibit A for Violation 5442. Nicholas Ranone is questioned by the Board and testifies. Attorney Hopkins questions Chief Nick Ranone and Mr. Borzell. The Board questions Attorney Hopkins and Mr. Borzell and they both testify.

Regarding Violation 5442, a motion was made by Quinlan T. Regan that a violation did not occur. Stanley Davies seconded the motion and the Board unanimously agreed.

There is no motion for a fine.

Charles Wright made a motion to change the order of the agenda and put No. 6 Mr. Kazounis ahead of No. 5 Michael Jean since he is not in attendance.

5.) Mr. Kazounis addresses the Board regarding lack of available pipefitters in the State of Rhode Island. He also address the Board on taking the Master Pipefitter 2 examination. There is a discussion between the Board and Mr. Kazounis.

Quinlan Regan make a motion that the Board is not able to let Mr. Kazounis sit to take the Master Pipefitter 2 examination. Charles Wright seconded that motion and the Board unanimously agreed.

6.) Revocation / Suspension Hearings for unpaid fines

Michael M Jean—Violation 4462 Mr. Jean was not present.

Regarding Violation 4462 Charles Wright made a motion that the Refrigeration Journey 1 license of Michael Jean is to be revoked pursuant to RIGL 28-22-2(a). Quinlan T. Regan seconded that motion and the Board unanimously agreed.

7.) Board members to discuss the examination process of unlicensed applicants.

There was discussion by the Board.

8.) Old Business - Review of proposed changes to Rules & Regulations and proposed licenses:

There was discussion by the Board.

9.) Adjournment: Motion to adjourn made by Charles Wright; seconded by Quinlan T. Regan. All were in favor. The meeting adjourned at 11:47am.